Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 16, and 21 are amended. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. It is believed that the amendments made herein place the entire application in condition for allowance and/or better form for appeal. Support for the amendments can be found throughout the specification (e.g., page 6, line 22 to page 7, line 6), figures, and claims and thus, no new matter has been added. Claims 1-9 and 11-22 are pending.

Claim Rejections - 35 U.S.C. § 112

Claims 1-9 and 11-22 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and for allegedly failing to comply with the enablement requirement. This rejection is moot in view of the amendments to the claims presented herewith.

Withdrawal of the § 112 rejections is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 16, and 21 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baughman (U.S. Patent No. 6,408,399). Claims 1-9 and 11-22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Anderson (U.S. Patent App. Pub. No. 2003/0058796). These rejections are respectfully, but most strenuously, traversed.

Claim 1 recites that "the first manager component of the legacy management system and the second manager component ... are configured to *concurrently share management responsibility* for the software and/or hardware entity and that the first and second manager components are configured for individual management responsibilities.

Baughman discloses (FIG. 3; col. 4, lines 45-65) system managers 120 and 130 on computers 10 and 11. Baughman fails to disclose that the system manager 130 is configured to operate within a high availability domain and the system manager 120 is configured to operate outside of the high availability domain. Baughman fails to disclose the first management component is configured to operate outside of the high availability domain and the second management component is configured to operate within the high availability domain.

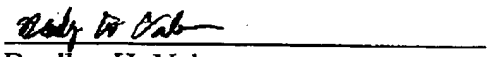
Anderson discloses (paragraph 68) high availability for the provisioning manager 18 provided by a redundant server. Anderson fails to make any mention of a high availability domain. Anderson further discloses that the signaling manager 16 is generally embodied on an ATM WAN (paragraph 45), but fails to make any mention that the ATM WAN is part of the high availability domain. Anderson fails to disclose the first management component is configured to operate outside of the high availability domain and the second management component is configured to operate within the high availability domain.

The Office Action's citations to Baughman and Anderson all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Baughman and Anderson of the first manager component and the second manager component that are configured to concurrently share management responsibility for the software and/or hardware entity, as recited in applicants' independent claim 1.

Withdrawal of the § 102 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney or agent.

Respectfully submitted,



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Dated: October 21, 2010

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